



## UNITED STATES PATENT AND TRADEMARK OFFICE



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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/930,398	08/15/2001	Christine Carlucci	866.0002	1023	
75	90 10/29/2002				
Marguerite Del Valle			EXAMINER		
Trademark and Patent Counselors of America, P.C. 19th Floor			EREZO, DARWIN P		
915 Broadway					
New York, NY 10010			ART UNIT	PAPER NUMBER	
· .		3761			
			DATE MAILED: 10/29/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Estembor of time myte be available under the provisor of 3 °CPR 1.36(s). In event, however, may a reply be timely field  Estembor of time myte be available under the provisor of 3 °CPR 1.36(s). In event, however, may a reply be timely field  Estembor of time myte be available under the provisor of 3 °CPR 1.36(s). In event, however, may a reply be timely field  Estembor of the provisor of the provisor of 3 °CPR 1.36(s). In the provisor of the		Application No.	Applicant(s)				
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THE MALING DATE OF THIS COMMUNICATION.  Extension of time may be available under the province of 3° CFR 1.35(g). In ne event, however, may a reply be timely filed after SIX (g) MONTHS from the nailing catter of this communication.  A MONTHS from the nailing catter of this communication, and the province of the communication of 3° CFR 1.35(g). In this catter of the communication of the communication.  Falure to reply which the sol or extended period for reply will by statute, cause the application to become ASANDONED (35 U.S.C. § 133).  All provinces of the communication of the communication, sold the communication of the communication.  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 is/are pending in the application.  4a) Of the above claim(s) is/are villed to	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address				
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	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.	5) Notice of Inf					

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

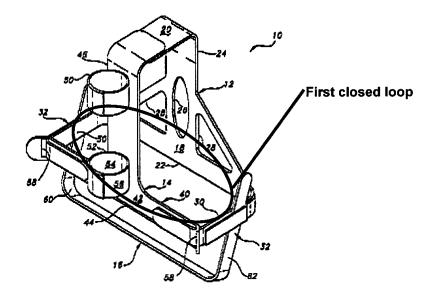
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
- 2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,269,814 to Blaszczykiewicz et al.
- 3. **As to claim 1**, Blaszczykiewicz et al. teaches a device to secure medical tubing to a body comprising a fabric band having at least a first closed loop (see attached Fig. 1) and a second closed loop **50**, wherein the first closed loop fits elastically around a portion of the body and the second closed loop is capable of receiving and holding medical tubing close to the body.
- 4. **As to claim 2**, Blaszczykiewicz et al. teaches a portion of the body being a head.
- 5. **As to claim 3**, Blaszczykiewicz et al. teaches the fabric band comprising non-irritating material (col. 2, line 38).
- 6. **As to claim 4**, Blaszczykiewicz et al. teaches the fabric band lined with friction creating material (Velcro).

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- 7. **As to claim 5**, Blaszczykiewicz et al. teaches the fabric band having stitching (joined) to form the closed loops.
- 8. **As to claim 6**, Blaszczykiewicz et al. teaches a device to secure medical tubing to a body comprising a fabric band having a first closed loop (see attached Fig. 1), a second closed loop **50** and a third closed loop **52** wherein the first closed loop fits elastically around a portion of the body and the second and third closed loops are capable of receiving and holding a medical tubing close to the body.
- 9. **As to claim 7**, Blaszczykiewicz et al. teaches a device wherein the portion of the body is a head.
- 10. **As to claim 8**, Blaszczykiewicz et al. teaches the fabric band comprising non-irritating material (col. 2, line 38).
- 11. **As to claim 9**, Blaszczykiewicz et al. teaches the fabric band lined with friction creating material (Velcro).

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12. **As to claim 10**, Blaszczykiewicz et al. teaches the fabric band having stitching (joined) to form the closed loops.

- 13. **As to claim 11**, Blaszczykiewicz et al. teaches a device to secure medical tubing to a body comprising a one piece band having a width wherein the stitching (joined) along the width joins portions of the band to form a first closed loop (see attached Fig. 1), a second closed loop **50** and a third closed loop **52**, and wherein the first closed loop fits elastically around a portion of the body and the second and third closed loops are capable of receiving and holding medical tubing close to the body.
- 14. **As to claim 12**, Blaszczykiewicz et al. teaches a device wherein the portion of the body is a head.
- 15. **As to claim 13**, Blaszczykiewicz et al. teaches the fabric band comprising non-irritating material (col. 2, line 38).
- 16. **As to claim 14**, Blaszczykiewicz et al. teaches the fabric band lined with friction creating material (Velcro).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erezo whose telephone number is (703) 605-0420. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aaron Lewis can be reached on (703) 308-0716. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

dpe

October 21, 2002

Aaron J. Lewis
Primary Examiner